IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16873 of 2004

Between:

S.S.V. Junior College, Sankarapuram, Kadapa, rep by its Correspondent Dr.B. Dwarakanath Swaroop, S/o. Sri Gopalaswamy, aged 32 years, R/o.R.S.Nager, Siddavattam Kadapa District.

..... PETITIONER

AND

1 Government of Andhra Pradesh Rep by its Principal Secretary, Higher Education Department, Secretariat, Hyderabad.
2 The Director of Intermediate Education, Govt. of A.P. Nampally, Hyderabad.
3 Regional Joint Director of Intermediate Education, Kadapa Region, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of a Writ of Mandamus, declaring the inaction on the part of the Respondents No. 2 and 3 in implementing the directions contained in G.O.Rt. 864 Higher Education (I.E.II) Department dt. 22-11-2001 is arbitrary, illegal, and consequently, to direct its implementation forthwith by re-transferring the posts along with employees as mentioned in G.O.Rt. 864 Higher Education (I.E.II) Department, Dt. 22-11-2001 and also reimbursing the amounts spent by the petitioner-Institution towards the salary to adhoc employees during the interregnum Period.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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ORDER:

The petitioner is a Junior College. The petitioner filed a W.P.No.15080 of 2000 challenging the order of the Director of Intermediate Education, Hyderabad-2nd respondent, dated 19.7.2000 ordering transfer of Smt. Shiela Rosalind, a Junior Lecturer in English and Smt. N. Aruna Kumari, a Physical Director. This Court through its judgment dated 16.8.2000 directed the petitioner to file appeal before the Government assailing the validity of the said transfer and with a further direction to the Government to decide the appeal on merits. Accordingly, the petitioner filed an appeal and the 1st respondent-Government through its order in G.O.Rt. No.864, dated 22.11.2001 set aside the orders of transfer. However, even before the order passed by the 1st respondent-Government in the appeal and implementation of those orders, the two aforementioned lecturers filed O.A.No.8654 of 2001 before the A.P. Administrative Tribunal and obtained stay of Government orders restoring them to the petitioner-college. But finally, O.A.No.8654 of 2001 was dismissed as withdrawn in pursuance of the orders passed by the 1st respondent-Government in the appeal.

The grievance of the petitioner is that in pursuance of the said orders of the 1st respondent-Government, the respondents 2 and 3 are expected to implement the said order retransferring the posts along with the two lecturers to the petitioner-college, but they did not pass any orders till now. The petitioner further submitted that though the representations were made to the 2nd respondent on 27.8.2004 and 1.9.2004, no orders have been passed so far. The petitioner, therefore,

approached this Court seeking a direction to the respondents 2 and 3 to implement the orders of the 1st respondent-Government, dated 22.11.2001 retransferring the posts along with the employees and other consequential benefits.

The petitioner contends that the order issued by the 1st respondent-Government is in force and it is the obligation on the part of the respondents 2 and 3 to implement the same.

In the light of the circumstances explained by the petitioner, the respondents 2 and 3 are directed to pass appropriate orders on the representations of the petitioner, dated 27.8.2004 and 1.9.2004, by taking into consideration the G.O.Rt.No.864, Higher Education (I.E.II) Department, dated 22.11.2001, within four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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21st September, 2004

Note:
Issue C.C. by tomorrow
(By Order)
Nn.

Copies to:

1 The Principal Secretary, Government of Andhra Pradesh,
Higher Education Department, Secretariat, Hyderabad.

2 The Director of Intermediate Education, Govt. of A.P. Nampally, Hyderabad.

3 Regional Joint Director of Intermediate Education, Kadapa Region, Kadapa.

4. Two Copies to G.P. for Education, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

5. Two C.D. copies.